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VIA E-FILE

Magistrate Judge Elizabeth D. Laporte
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Network Appliance, Inc. v. Sun Microsystems, Inc., U.S.D.C., Case No. C-07-06053 EDL

Dear Magistrate Judge Laporte:

Sun Microsystems, Inc. ("Sun") respectfully requests a telephone conference with Your Honor on Thursday, August 28 to address case management issues relating to the fact discovery cut-off date, currently scheduled for October 13, 2008. Specifically, as a result of NetApp's delayed document production, Sun seeks an extension of the fact discovery cut-off date. Because several events are triggered from this fact discovery cut-off date, including a deadline for this Friday, August 29, Sun seeks the Court's involvement prior to August 29.

Sun attempted to meet-and-confer with NetApp on this issue, but NetApp was not prepared to discuss these case management issues.

Sun is prepared to brief this issue at the Court's request.

Respectfully,

DLA PIPER US LLP

/s/ Christine K. Corbett

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